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August 5, 2022

Via ECF

The Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Joint Status Report: *Suffolk County Water Authority v. The Dow Chemical Co. et al.*,
No. 2:17-cv-6980-NG-RLM

Dear Judge Mann:

On behalf of Plaintiff Suffolk County Water Authority (“SCWA”) and Defendants The Dow Chemical Company, Vulcan Materials Company, and Ferro Corporation, the Parties update below their progress regarding additional discovery items sought in response to the Court’s July 1, 2022 order on Defendants’ motion to compel production of SCWA’s SCADA database (Dkt. No. 316, “Order”).

SCWA sent a copy of a hard drive that has SCADA data to Defendants’ consultant. Upon receiving the hard drive, Defendants’ consultant has been unable to access the data on it. During the July 25, 2022 conference call with SCWA’s SCADA consultant (Systems Integrated), Defendants learned that the produced files are not readable by any SCADA system other than the proprietary *onSite* program. Although it is possible to purchase software licenses and servers to run the programs that manage the data in SCWA’s SCADA system (*i.e.*, *onSite* and Oracle) from Systems Integrated, the data cannot be used to view SCWA’s SCADA architecture without institutional knowledge of SCWA personnel and the data/information in the produced files would be impossible to query without the explicit knowledge of SCWA and/or Systems Integrated personnel. On August 4, 2022, Defendants requested that SCWA produce data exports from its SCADA system in specified formats for certain categories of data. SCWA is currently evaluating Defendants’ request and will make best efforts to update Defendants by Monday, August 8. The parties will report to the Court on the status of those discussions by August 12.

* * *

The Parties will promptly bring to the Court any issues requiring earlier intervention following further good faith conferral.

Respectfully submitted,

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